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UNCLAS SECTION 01 OF 04 AMMAN 001601

SIPDIS

SENSITIVE

FOR G/TIP, G, INL, DRL, PRM, IWI, NEA/RA

E.O. 12958: N/A

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SUBJECT: EMBASSY AMMAN'S 2004 TIP REPORT

REF: 03 AMMAN 7340 (NOTAL)

SENSITIVE BUT UNCLASSIFIED -- PLEASE PROTECT ACCORDINGLY

1. Following is Embassy Amman,s response to the Department,s action request in State 7869. The headings and lettering system are based on this request.

CHECKLIST

2. A. Based on the information available to post, Jordan is not a country of origin or transit for trafficked men, women, or children. An element of fraud may be involved in employing and bringing some foreign domestic workers (FDWs) to Jordan. In addition, some FDWs also end up in abusive situations, but neither the GOJ nor the Embassy can establish a causal link between fraud in recruitment and eventual abusive working conditions. Estimates in fall 2003 for the total number of FDWs ranged from 16,000 (the number of valid residence permits issued to FDWs) to 50,000 (UNIFEM). From 15 July 2003 to end January 2004, 8220 FDWs were issued residence permits through the Ministry of Labor (MoL). As permits are valid for one year, this would parallel the estimate provided by the MoL last year. This is clearly a low estimate, however, as it does not include those working illegally (see reftel). There are no reliable numbers available on how many may have come to Jordan through the use of fraud.

B. The FDWs coming to Jordan are primarily from Sri Lanka, Indonesia, and the Philippines, with much smaller numbers from other countries.

C. Legal changes implemented during 2003 were aimed at improving the conditions of FDWs. Specifically, previously unregulated recruiting/employment agents must now be licensed and all new FDWs are brought in under a standard labor contract (see reftel). For example, the estimated up to 350 recruiting/employment agents operating in Jordan prior to these changes are now limited to 68 licensed agents. The agents must submit to a background check, deposit \$70,000 in an escrow account, and agree to standards of acceptable conduct, among other requirements. UNIFEM and source country embassies worked closely with the GOJ to draft the new contract, which provides many protections not previously accorded under Jordanian law, and copies of each signed, enforceable contract are provided to the agents, source country embassies, and the FDWs. These improvements have almost certainly changed the extent of employment fraud involving FDWs. However, the lack of historical data, comprehensive statistics and the recentness of the changes make the impact hard to evaluate.

D. The regulatory changes detailed in reftel will provide more reliable statistics on the number of FDWs in Jordan, as well as greater insight into their conditions.

E. Some FDWs in Jordan have been subject to non-payment of wages, illegal immigration status when employers do not obtain residence permits, retention of passports and other documents, verbal abuse, and, less frequently, physical (including sexual) abuse. From January 1998 to December 2003, 72 cases of sexual assault against FDWs were reported to the Public Security Directorate (PSD or police).

F. n/a

G-I. The MoL has acted conscientiously to improve the conditions of FDWs, and in late February 2004 the parliament passed into full validity the provisional law described in reftel. Trafficking is not considered to be a widespread problem and there is no credible evidence of trafficking unrelated to FDWs. However, GOJ entities -- including the Ministry of Foreign Affairs, PSD, MoL, and Ministry of Justice -- have been cooperative in collecting and providing information for this report. Post is not aware of any government participation in trafficking, including by individual officials, and the government does not condone it. However, in practice the government would be limited by budgetary constraints in its ability to fund investigative and prosecutorial institutions which might focus on trafficking, nor would it possess sufficient resources to aid victims.

1L. n/a

PREVENTION

13. A. The government acknowledges that some FDWs live and work in less than satisfactory conditions (its public and private justification for measures taken last year), but has no credible evidence of trafficking networks.

B, E, G-K. The Interior and Labor Ministries are most directly involved in activities affecting trafficking. The PSD, under the Interior Ministry, actively controls the borders with both entry and exit controls, and the military assists by monitoring the borders between ports of entry. The PSD also investigates crimes including physical abuse and immigration violations, and the Interior Ministry issues residence permits to foreigners already present in the country. As of last year, the Labor Ministry regulates the recruiting and employment conditions of FDWs (see reftel). The government has not formally assigned anti-trafficking duties to a specific body, nor does it have a national action plan, and it is limited financially in its ability to carry out trafficking-related programs. The government does have active public corruption task forces involving several law enforcement and prosecutorial bodies.

1C. UNIFEM's ongoing national program for Jordan includes plans to publicize the poor work and living conditions of some FDWs and the government has been supportive of the program. In addition, local newspapers and magazines whose readership includes a broad distribution of current and prospective employers of FDWs have reported on FDWs, living and working conditions in recent months. However, given the limited scope of the problem, there are no comprehensive anti-trafficking information or education campaigns.

1D. The King and the current cabinet have made the empowerment of Jordanian women, politically and economically, a top priority, and the Queen is a strong advocate for women's and children's rights. The government has a number of programs that could be defined as combating trafficking in women and children, e.g. a Ministry of Social Development program to rehabilitate street children and Ministry of Labor vocational training programs for young rural women. However, we have no evidence of the trafficking of Jordanians.

1F. The government has created a steering committee that monitors and evaluates the conditions of FDWs in Jordan. Membership includes government agencies, UNIFEM, NGOs, and three FDW source country embassies (see reftel). This committee has an active and cooperative working relationship. UNIFEM considers its program for migrant workers in Jordan, including particularly GOJ participation and the GOJ-endorsed standard contract, a model for the region. Trafficking is not commonly discussed in civil society and is not a widespread concern.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

14. A. A 1926 law specifically bans trafficking in children. The 1929 slavery nullification law makes it a crime to force or entice a person to come to or depart Jordan to be traded, purchased, or sold. Traffickers can also be prosecuted under the penal code of 1953, which bans all forms of slavery. Penal law 16 of 1960 criminalized extramarital intercourse (including prostitution), providing for punishments ranging from 5 years imprisonment to execution, depending on the age of the victim and the relation of the accused to the victim. Under Penal Code articles 333 and 334, physical harm that causes a victim to miss work is punishable by imprisonment of three months to three years and/or small fines, with punishments of up to ten years for causing a permanent disability or inducing an abortion.

B, C. The penalty for indecent assault, without force, is punishable by a minimum of 5 years imprisonment if the victim is less than 12 years of age (Penal Code art. 298), with greater punishments for use of force (Penal Code articles 296-299). Inducing a woman to extramarital sexual relations is punishable by a minimum of 3 months imprisonment (Penal Code art. 304). Labor exploitation is subject to legal bans on bonded labor and slavery as described above. The penalties for rape range from 5 years imprisonment, if the victim is over 15 years of age, to execution, if the victim is under 15 or in cases of incest.

D, F-H. The government prosecuted the former honorary consul of Sri Lanka in Jordan, a Jordanian citizen, for trafficking in babies. In 1995, the government uncovered a scheme in which he induced Sri Lankan women in Jordan to give up their (mostly) illegitimate newborn children, who were then sold to (adopted by) foreign families. He was subsequently prosecuted

under the 1929 slavery nullification law and sentenced to 3 years hard labor (an increased sentence over the three years, imprisonment spelled out in the law), as well as 5 years imprisonment for forgery. Due to his ill health and old age, the sentence was later reduced to the three year term. A Jordanian accomplice was found innocent of all charges and a Sri Lankan accomplice was sentenced to one year imprisonment after her charge was reduced to conspiracy to sell children. Both of those found guilty served prison time, and the prosecutor brought further motions before the Court of Cassation (appeals) on this case as recently as October 2003. The government is not aware of any other cases, cross-border or otherwise, and does not provide specialized training in trafficking. From 15 July 2003 to end January 2004, the MoL received 28 labor-related complaints from FDWs, of which 25 were resolved administratively and 3 were referred to courts.

E. The FDWs brought to Jordan under fraudulent circumstances usually deal with a recruiter in their home countries, as well as an agent in Jordan once they arrive. These are typically bound by loose, informal networks and are not connected to crime groups. The new Jordanian requirements to use a standard labor contract and licensed agents should significantly reduce the ability of unscrupulous recruiters in source countries to defraud their clients.

I, J. There are no known cases of nationals charged with trafficking in other countries, and it is not clear whether the GOJ would extradite any nationals who might be charged with trafficking. While general corruption is a concern, there is no evidence of government involvement in or tolerance of trafficking on either a local or institutional level.

K. n/a

L. ILO Convention 182: ratified 20 April 2000

ILO Convention 29: ratified 6 June 1966 and Convention 105: ratified on 31 March 1958

The Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography: signed 6 September 2000

UN Convention Against Transnational Organized Crime: signed 26 November 2002; Protocol to Prevent, Suppress and Punish Trafficking in Persons not yet signed; Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others: acceded 13 April 1976

PROTECTION AND ASSISTANCE TO VICTIMS

5. A-F. The interagency Family Protection Department (FPD), coordinated by the PSD, states that it offers the following assistance to all victims of abuse, including FDWs, regardless of citizenship or socio-economic status: translation/interpretation services, interviews conducted by a female police officer in a private room, medical exams conducted by forensic doctors at FPD facilities as opposed to public hospitals, provision of clothing and secure resort until investigation is complete, consular notification, and access to counseling. In practice, shelter and legal assistance are also provided by the respective embassy and/or friends. Immigration assistance, e.g. temporary relief from deportation or waiving of overstay fines, may be provided on an ad hoc basis, but all overstayers are subject to fines, regardless of reason. Jordan is in the nascent stages of developing shelter and other support services to women and children victims of abuse, including Jordanian citizens. The FPD coordinates closely with a small number of domestic NGOs to help abuse victims access the limited services available.

Though there is a general ignorance of the plight of FDWs in Jordan, cultural sensitivities and funding limitations, rather than lack of political will, are the primary reasons that greater victim support services have yet to be provided.

G. The government does not provide training on how to assist victims of trafficking. However, the FPD has raised the profile of abuse within Jordanian society and its personnel are becoming increasingly adept at handling this crime, particularly investigations and prosecutions.

H. n/a

I. UNIFEM has assisted with the creation of a local chapter of Advocacy for Migrants, a Geneva-based organization advocating for migrant workers in the Arab world. This NGO is registered with the Interior Ministry, but has not yet begun operations and is seeking funding to do so.

6. Embassy point of contact on trafficking is political officer James Fellows. Office phone number is 962-6-590-6597, fax 962-6-592-0159, e-mail fellowsjd@state.gov. As of June

2004, political officer Keith Heffern will be the POC, same phone numbers and e-mail heffernkl@state.gov.

17. Time spent preparing this report (primarily basic research): FS03 poloff 90 hours, FS02 poloff 3 hours, FS01 poloff 6 hours.
GNEHM